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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,503	09/28/2006	Hidenori Komatsumoto	Q97008	3650

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EXAMINER

FAN, CHARLES C

ART UNIT	PAPER NUMBER
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2628

MAIL DATE	DELIVERY MODE
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06/26/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/594,503	Applicant(s) KOMATSUMOTO, HIDENORI	
	Examiner CHARLES FAN	Art Unit 2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>09/28/2006, 03/06/2007, 05/17/2007, 06/31/2008</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed March 3rd 2008 fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
3. Claims 1-3, 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellson et al. (US Pat. No. 5,455,902) in further view of Hubrecht et al. (US Pub. No. 2003/0117402).

In re claims 1, 5-6, Ellson et al. discloses an image processing device for displaying an image representative of a picture of an object viewed from a viewpoint in a virtual three-dimensional space where the object and the viewpoint are placed (Fig. 2) comprising, distance data calculation means for calculating distance data concerning the object and the viewpoint (Fig. 9). It is noted that Ellson et al. doesn't not explicitly disclose moving state determination means for determining at least one of a moving distance and a moving speed of the object in the virtual three-dimensional space, based on the distance data, object moving means for moving the object in the virtual three-dimensional space based on at least one of the moving distance and the moving speed of the object, which is determined by the moving state determination means; and image displaying means for displaying an image representative of a picture of the object moving in the virtual three-dimensional space viewed from the viewpoint. However, Hubrecht et al. discloses moving state determination means for determining at least one of a moving distance and a moving speed of the object in the virtual three-dimensional space, based on the distance data, object moving means for moving the object in the virtual three-dimensional space based on at least one of the moving distance and the moving speed of the object, which is determined by the moving state determination means [0171]; and image displaying means for displaying an image representative of a picture of the object moving in the virtual three-dimensional space viewed from the viewpoint (Fig. 1, 12). It would have been obvious to one of ordinary skill to

combine the viewpoint changing of Ellson et al. with the object movement of Hubrecht et al. with the motivation of getting a better angle or view of the object .

In re claim 2, Ellson et al. discloses size information determination means for determining size information indicative of a size of the object placed in the virtual three-dimensional space, based on the distance data, and object enlargement and reduction means for enlarging or reducing the object according to the size information determined by the size information determination means, wherein the image displaying means displays an image representative of a picture of the object enlarged or reduced viewed from the viewpoint in the virtual three-dimensional space (Fig. 11, shows the Glyph can be increased in size or decreased in size).

In re claim 3, Ellson et al. discloses distance data is data indicative of a distance between a position associated with the object and a position of the viewpoint (Fig. 9, the distance is controlled by a slider which indicates the distance from the point to the view point).

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellson et al. (US Pat. No. 5,455,902) in further view of Hubrecht et al. (US Pub. No. 2003/0117402) and Moran et al. (US Pat. No. 5,880,743).

In re claim 4, It is noted that that Ellson et al. and Hubrecht et al. does not explicitly disclose the size information determination means determines a rate by which the object is enlarged or reduced as the size information of the object based on the distance data, and the object enlargement and reduction means enlarges or reduces the object having a predetermined size by the rate. However, Moran et al. discloses the size information determination means

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determines a rate by which the object is enlarged or reduced as the size information of the object based on the distance data, and the object enlargement and reduction means enlarges or reduces the object having a predetermined size by the rate (Column 20, lines 33-41). It would have been obvious to one of ordinary skill to combine the 3-D object movement and scaling of Ellson et al. and Hubrecht et al. with the rate of scaling of Moran et al. with the motivation of visibly seeing the changes in scale.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Susman (US Pat. No. 5,261,041) discloses an computer controlled animation of 3D objects. Robertson et al. (US Pat. No. 5,513,303) discloses moving an object in a 3D workspace. Conway et al. (US Pat. No. 7,278,115) discloses a UI interface with objects.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES FAN whose telephone number is (571)270-3550.

The examiner can normally be reached on mon- fri 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xiao Wu can be reached on (571)272-7761. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CFan

/XIAO M. WU/

Supervisory Patent Examiner, Art Unit 2628